

REMARKS/ARGUMENTS

By this Amendment, the specification is amended, the drawings are corrected and Claims 13, 15, 20 and 22 are amended. Claims 1-12 were previously canceled. Claims 13-24 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Drawing Objections

In Items 1-4 of the Office Action dated Sept. 2, 2008, the Examiner cited several objections to drawings under §§1.83 and 1.84. To that end, Applicant has revised the drawings to overcome those rejections. Inclusion of the reference numbers 16 and 29 with lead lines have been made in the drawings while deletion of the reference number 23/lead line has been made. In addition, Applicant replaced the labels for originally-filed Figs. 2, 3 and 4 since the Specification refers to those figures as Figs. 1b, 2a and 2b, respectively. To comply with §1.83(a), Applicant has included, using hatched lines, the omitted items supported in the Specification but inadvertently not included in the originally-filed figures. No new matter has been included in these drawing revisions.

35 USC 112

In Claim 13, the words “towards the free end of the axle” have been deleted and the words “a side wall” have been introduced in order to overcome the Examiner’s clarity objection

in point 9.

In Claim 15 the word “towards” has been replaced with the words “from the end wall to”.

Clear support for this amendment can be found at line 20 to 24 of page 6 of the published PCT application.

The words “and a side wall” have been introduced to Claim 22 in order to overcome the same objection in point 12.

Accordingly, it is submitted that the Examiner’s clarity objections under 35 USC 112 have been overcome.

In addition, the word “flight” in Claim 13 has been amended to the word “motion”.

Clear support for this amendment can be found at line 14 to 17 of page 1 of the published PCT application whereby aircraft landing is disclosed. Clearly, aircraft landing must include motion during flight and motion on the ground.

Further amendments have been made to Claim 22 in order to improve clarity.

It is submitted that no new matter has been added.

35 USC 103

The Applicant respectfully disagrees with the Examiner’s contention for at least the reasons set out herein.

Firstly, Johnson does not disclose a hubcap. Johnson discloses a wheel hub and spindle assembly for use on a trailer for a boat, further comprising an end cap 20 having a plurality of heat conducting vanes 28.

Mackness, Gorges and the application in suit relate to hubcaps for use on aircraft. The three applications show hubcaps having a cup-like body which cover the entire area within a

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wheel rim of an aircraft wheel. Johnson does not.

Clearly, Mackness and Johnson are from different fields of technology, have different functionality and operate under different conditions. For example, different wheel rotation speeds in use, exposure to different fluids (see line 23 to 31 of column 1 of Johnson), different forces applied in use and so on.

Thus, the Applicant submits that the fields are so distinct that the person of skill in the art (POSITA) of aircraft landing gear manufacture would not have looked to the teaching of Johnson in order to modify Mackness. This is because wheels for boat trailers are clearly not the same as wheels for aircraft.

Even if the POSITA were to look to the teaching of Johnson to modify Mackness (the permissibility and/or viability of which combination is not admitted), there is certainly no teaching him how to orient the vanes 28 in order to reduce noise.

In fact, neither Mackness nor Johnson, or indeed any other document relied upon by the Examiner, teach or hint at noise reduction. Therefore, any combination of documents cannot possibly read on to amended Claim 13.

Furthermore, because of the different operating conditions there can be no expectation of success in applying Johnson to Mackness even to remove heat, let alone to do something not even taught by Johnson, namely to reduce noise.

For example, the wheel of Johnson, in the usual scheme of things, travels at relatively low speeds (e.g. 50 mph) and so the vanes may well effect a cooling operation.

Contradistinctively, the wheel of an aircraft travels at relatively high speeds (e.g. 200 mph).
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Clearly, there can be no expectation that a vane for a relatively slow moving boat trailer would be effective as a heat dissipater on an relatively fast-moving aircraft hubcap.

Furthermore, the vanes of Johnson are directly attached to the hub to make effective thermal contact therebetween. An aircraft hubcap covers a hub but is not in direct thermal contact therewith.

Therefore, there is a further barrier to the combination of these documents insofar as the POSITA would understand that the thermal effects of Johnson would be severely limited if applied to Mackness.

Finally, the Examiner's assumption that the vanes of Johnson could reduce noise is merely an impermissible hindsight reconstruction without any true regard to the teachings of the prior art and without any evidence to support such an objection.

Therefore, it is submitted that amended Claim 13 is inventive over Mackness in view of Johnson.

Claims 14 to 21 are dependent directly on amended Claim 13.

Amended Claim 13 being inventive, there is consequently no need to investigate the non-obviousness of Claims 14 to 21.

Amended Claim 22 also requires that the hubcap comprises ribs spaced about the exterior of the side wall in order to influence airflow and therefore reduce noise.

As discussed above, the prior art relied upon by the Examiner provides absolutely no guidance of how to apply ribs to a hubcap in order to reduce noise.

Therefore, the Applicant respectfully submits that Claim 22 is inventive over Mackness in view of Johnson further in view of Gorges.

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Claims 23 and 24 are dependent directly on amended Claim 22.

Amended Claim 22 being inventive, there is consequently no need to investigate the non-obviousness of Claims 23 and 24.

Therefore it is submitted that the amended Claims are inventive over the prior art relied upon by the Examiner and that the application is allowable.

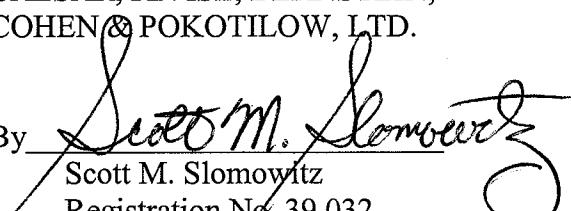
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By


Scott M. Slomowitz
Registration No. 39,032
Customer No. 03000
(215) 567-2010
Attorneys for Applicant

February 26, 2009

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entry and/or ensure consideration of
this submission.